

Amendments to the Drawings:

The attached sheet of drawings includes changes to Fig. 4. This sheet, which includes Fig. 4, replaces the original sheet including Fig. 4. In Figure 4, reference characters “410” for “PERFORMANCE MEASUREMENT OBJECTS” has been changed to “411”.

Attachment: Replacement Sheet

REMARKS/ARGUMENTS

In the Office Action issued September 5, 2008, claims 1-4, 7-9, 12-15, 18-20, 23-26, 29-31, 34-37, and 40-42 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Dumarot et al., U.S. Patent No. RE38,865 ("Dumarot") in view of King et al., U.S. Patent No. 6,252,592 ("King"). Claims 5, 6, 10, 11, 16, 17, 21, 22, 27, 28, 32, 33, 38, 39, and 44 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Dumarot in view of King and further in view of Applicant's Admitted Prior Art ("APA"). Claims 23-44 were rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter. Claims 1-44 were provisionally rejected on the ground of non-statutory obviousness-type double patenting as being unpatentable over claims 1-28 of copending application no. 10/730,901 in view of King.

Claims 1, 3, 7, and 9 are now pending in this application. Claims 2, 4-6, 8, and 10-12 have been canceled, thus, the rejections of these claims are now moot. Claims 23 and 34 and the specification have been amended to clarify that claims 23 and 34 are directed to statutory subject matter. Claims 1, 3, 7, and 9 have been amended to clarify the subject matter that the Applicant considers to be the invention. The specification and drawings have been amended to overcome the objections to the drawings. No new matter has been added.

The Applicant respectfully submits that claims 1-4, 7-9, 12-15, 18-20, 23-26, 29-31, 34-37, and 40-42 are not unpatentable over Dumarot in view of King because even if Dumarot and King were combined as suggested by the Examiner, the resulting combination still would not disclose or suggest the requirements of the claims. Dumarot

discloses optimizing the operation of a computer system in running application programs in accordance with system capabilities, user preferences and configuration parameters of the application program. However, Dumarot does not disclose or suggest interface displays that emphasize the importance of a particular parameter over another parameter, as is required by claims 1, 12, 23, and 34.

King discloses visual elements of a graphical user interface that are enabled for access by a user in a specific order. The only particular order for such elements that is disclosed by King is that “by default, the tabbing order is the order in which the elements were placed on the user interface by the developer during creation of the application. Often, an application developer changes the tabbing order from its initial setting.” (King, at col. 2, lines 23-40) Thus, King only discloses a static determination of the tabbing order by the application developer, either based on the order in which the developer placed element on the user interface, or according to some other, undisclosed determination. King does not disclose or suggest arranging the tabbing order in order to emphasize the importance of a particular parameter over another parameter. The only significance that King attaches to the tabbing order is that it “impacts the ability of an end user of the application to use the application, generally, and, more particularly, impacts the end user's ability to quickly navigate among the visual elements versus multi-step movements using a mouse to cause focus or selection change among the visual elements.” (King, at col. 2, lines 23-40) King does not disclose or suggest that the tabbing order, or any other visual elements, may be used to emphasize the importance of

a particular parameter over another parameter, and does not even mention the words importance, significance, emphasize, and the like.

As a result, even if Dumarot and King were combined as suggested by the Examiner, the resulting combination still would not disclose or suggest interface displays that emphasize the importance of a particular parameter over another parameter.

Therefore, claims 1, 12, 23, and 34, and claims 2-4, 7-9, 13-15, 18-20, 24-26, 29-31, 35-37, and 40-42, which depend therefrom, are not unpatentable over Dumarot in view of King.

The Applicant respectfully submits that claims 5, 6, 10, 11, 16, 17, 21, 22, 27, 28, 32, 33, 38, 39, and 44 are not unpatentable over Dumarot in view of King and further in view of APA because even if Dumarot, King, and APA were combined as suggested by the Examiner, the resulting combination still would not disclose or suggest the requirements of the claims. As discussed above, the combination of Dumarot and King does not disclose or suggest interface displays that emphasize the importance of a particular parameter over another parameter, as is required by claims 1, 12, 23, and 34, from which claims 5, 6, 10, 11, 16, 17, 21, 22, 27, 28, 32, 33, 38, 39, and 44 depend. The APA cited by the Examiner merely lists some configuration parameters, and does not provide any teaching or suggestion as to the relative importance of such parameters, and does not provide any teaching or suggestion regarding emphasizing the importance of a particular parameter over another parameter.

As a result, even if Dumarot, King, and APA were combined as suggested by the Examiner, the resulting combination still would not disclose or suggest interface displays that emphasize the importance of a particular parameter over another parameter.

Therefore, claims 5, 6, 10, 11, 16, 17, 21, 22, 27, 28, 32, 33, 38, 39, and 44 are not unpatentable over Dumarot in view of King and further in view of APA.

The Applicant respectfully traverses the provisional rejection of claims 1-44 on the ground of non-statutory obviousness-type double patenting as being unpatentable over claims 1-28 of copending application no. 10/730,901 in view of King. As discussed above, King does not disclose or suggest interface displays that emphasize the importance of a particular parameter over another parameter. Therefore, the combination of claims 1-28 of copending application no. 10/730,901 with King does not make claims 1-44 of the present application obvious.

Each of the claims now pending in this application is believed to be in condition for allowance. Accordingly, favorable reconsideration of this case and early issuance of the Notice of Allowance are respectfully requested.

Additional Fees:

The Commissioner is hereby authorized to charge any insufficient fees or credit any overpayment associated with this application to Deposit Account No. 50-4545 (5231-089-US01).

Conclusion

In view of the foregoing, all of the Examiner's rejections to the claims are believed to be overcome. The Applicants respectfully request reconsideration and issuance of a Notice of Allowance for all the claims remaining in the application. Should the Examiner feel further communication would facilitate prosecution, he is urged to call the undersigned at the phone number provided below.

Respectfully Submitted,

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